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In re Application of	:	
YIP et al.	:	
Application No.: 09/403,608	:	DECISION ON PETITION
PCT No.: PCT/AU98/00868	:	UNDER 37 CFR 1.48(a)
Int. Filing Date: 18 October 1998	:	
Priority Date: 21 October 1997	:	
Attorney Docket No.: 025265-155	:	
For: COATED SUNGLASS LENS	:	

This is a decision on "Renewed Petition Under 37 CFR 1.48(a)" filed 02 October 2000 and "Status Letter" filed 27 October 2000 requesting the addition of fifth joint inventor, Randy Lee Gove. Applicants' previous decision was dismissed in a decision dated 01 August 2000 because applicants did not submit the written consent of the assignee.

On 02 October 2000, applicant filed the present petition.

Requirements of a Petition Under 37 CFR 1.48(a)

A petition under 37 CFR 1.48(a) requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee (\$130.00) set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Requirements (1) through (3) were met with previously filed papers.

In regard to item (4) above, applicant has provided a "Consent of Assignee to Change in Inventorship Pursuant to 37 CFR 1.48(a)(4)" which states that "assignee Sola International Holdings, Ltd. hereby consents to amendments of the inventorship of the above-identified application by adding Randy Lee Gove as coinventor . . .," however, the assignee has not established its ownership to the application in accordance with 37 CFR 3.73. See Manuel of Patent Examining Procedure (MPEP) §324 and the enclosed Statement under 37 CFR 3.73(b) (Form PTO/SB/96).

For the reasons discussed above, it is inappropriate, at this time, to grant applicants request for correction of inventorship.

CONCLUSIONS

The renewed petition under 37 CFR 1.48(a) is **DISMISSED** without prejudice.

Applicant is given **TWO MONTH** from the mailing date of this decision to submit any desired request for reconsideration. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.48(a)." No additional petition fee is required.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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Enclosure: Form PTO/SB/96

PTO/SB/98 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled: _____

_____, a _____,
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. [] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.

[NOTE] A separate copy (i.e., the original assignment document or a true copy of the original document)
 must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be
 recorded in the records of the PTO. See MPEP 302-302.8

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date_____
Signature_____
Typed or printed name_____
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.